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Docket 87293NAB
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Larry A. Greenspan, et al

METHOD AND APPARATUS FOR
CASE BUILDING AND
PRESENTATION OF
HEALTHCARE PROCEDURES

Serial No. 09/722,962

Filed November 27, 2000

Mail Stop APPEAL BRIEF-PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA. 22313-1450

Group Art Unit: 3626

Examiner: Rachel L. Porter

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Tara Piccone

10-2-06
Date

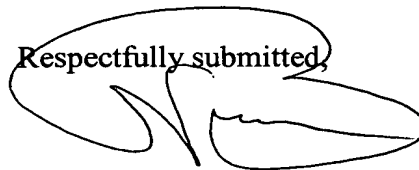
Sir:

APPEAL BRIEF TRANSMITTAL

Enclosed herewith is Appellants' Appeal Brief for the above-identified
application.

The Commissioner is hereby authorized to charge the Appeal Brief filing
fee to Eastman Kodak Company Deposit Account 05-0225. A duplicate copy of
this letter is enclosed.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the
Examiner is requested to communicate with Eastman Kodak Company Patent Operations at
(585) 477-4656.



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APPEAL BRIEF PURSUANT TO 37 C.F.R. 41.37 and 35 U.S.C. 134

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APPELLANT'S BRIEF ON APPEAL

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims 61-71, 73, 74, 76-87, and 89-92 which was contained in the Office Action mailed May 4, 2006.

A timely Notice of Appeal was mailed August 3, 2006.

Real Party In Interest

As indicated above in the caption of the Brief, Eastman Kodak Company is the real party in interest.

Related Appeals And Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status Of The Claims

Appendix I provides a clean, double spaced copy of the claims on appeal.

Status Of Amendments

No amendments to the claims were filed subsequent to the Final rejection

Proposed amendments to the Specification filed subsequent to the Final rejection were entered by the PTO in an Office Communication mailed 07/27/2006. One minor error can be attended to if the application is allowed.

Summary of Claimed Subject Matter

A method and system for generating, tracking and displaying presentations for a dental patient describing a recommended course of dental treatment comprising of at least one dental procedure is generally shown in Fig. 1. A presentation tool is provided and started in a computer having a display (box 104) and at least one master template configured for display as a dental presentation on the computer display is provided (box 102 and Fig.2) (Spec. page 5, line 30-page 7, line 27. The master template (a) includes general information to be shown in every presentation; (b) designates a common theme or look for the presentation; (c) presents common information in a consistent manner on every presentation; (d) controls the order of the information in the presentation; and (e) reduces the

possibility of errors in the information presentation. (Spec. page 7, line 28-page 8, line 22; Fig. 3).

The dental presentation master template is loaded into the presentation tool a (Fig. 1-box 106). The dental master template is provided with at least one specific dental procedure indicator for use as a point of incorporation, there is inserted in each template at least one general information indicator for use as a point of incorporation for general information, and specific dental information about specific dental procedure from the recommended course of treatment for the dental patient is incorporated into the template. Specific dental information is incorporated by scanning the template for a marker, wherein the marker identifies dental information specific to the dental patient and the marker identifies an insertion point in the template, retrieving dental information specific to the dental patient identified by the marker from the dental desktop application, inserting the retrieved dental information specific to the dental patient into the template at the insertion point identified by the marker, and repeating the steps of scanning, retrieving and inserting for each marker in the template. General information on the dental patient is incorporated into the template and a dental presentation is generated using the template with the incorporated specific dental information and the general information on the dental patient with one step, wherein the dental presentation is generated utilizing the computer. (Fig. 1, boxes 108-122, Figs. 3-8, Spec. page 8, line 31-page 13, line 3).

The dental presentation is stored in a dental desktop application on the computer (Fig. 1, box 116), the dental presentation is presented to the dental patient without presenting a graphic simulation of the treatment of the patient (Spec. page 12, lines 18-20), and records of the individual are updated in the dental desktop application to correspond to the indicated dental procedure(s) accepted by the individual in the presentation tool (Fig. 13, Spec. page 17, line 27-page 18, line 24).

Grounds of Rejection to be Reviewed on Appeal

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. Claims 61-71, 73-74, 76-87, 89-92 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement in that the claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

2.. Claims 61-63, 66-71, and 73 stand rejected under 35 USC 103(a) as being unpatentable over Sachdeva (USPN 6,587,828) in view of Clark et al. (USPN 6,171,112), and further in view Admitted Prior Art (in accordance with MPEP 2144.03(C)).

3. Claims 64-65 stand rejected under 35 USC 103(a) as being unpatentable over Sachdeva (USPN 6,587,828), Clark, and Admitted Prior Art as applied to claim 61 and in further view of Parker (Microsoft Office 4 for Windows for Dummies).

4. Claims 76-87, and 89-92 stand rejected under 35 USC 103(a) as being unpatentable over Sachdeva (USPN 6,587,828) in view of Parker (Microsoft Office 4 for Windows for Dummies) and in further view of Admitted Prior Art (in accordance with MPEP 2144.03 (C)).

Arguments

Claims 61-71, 73-74, 76-87, 89-92 Fully Comply With The Written Description Requirement Of 35 USC 112, 1st Par.

Claims 61-71, 73-74, 76-87, and 89-92 fully comply with the written description requirement of 35 USC 112, first paragraph and are clearly described in the specification in such a way to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner's assertion that the specification "appears to be much more generic in its references to the steps performed and the system used to generate a healthcare presentation" rather than the dental presentation defined in the claims, and the assertion that "While there are occasional references to the American Dental Association (primarily in the background of the invention), the originally filed disclosure does not contain the degree of detail regarding developing dental presentations now found in the currently pending claims" are clearly wrong.

The application as originally filed is replete with references to dental applications and fully support the claims on appeal. The following are quotes from the originally filed application relating to dental applications.

“The billing for healthcare procedures is established as a standard set of codes developed and approved by the governing organizational body. In the case of dentistry, it is the American Dental Association (ADA). Dental billing codes are known as the CDT-3 codes (Current Dental Terminology Revision 3) and are often referred to as the “ADA” codes that define the specific treatments administered and billed by the dentist. An example ADA code is D3333, which defines the internal root repair of perforation defects procedure. All dentists use this standard nomenclature for defining work planned or performed. Both the ADA and the insurance industry abide by this standard. Similar sets of codes exist in other healthcare arenas.” (Page 1, line 27-Page 2, line 5) (Emphasis added).

“In the case of dentistry, most dental offices today use practice and clinical management software to automate the daily tasks of running a dental office.” (Page 2, lines 10-12).

“full restorative dental charts, periodontal charts” (Page 2, line 16).

“Practice management software has become one of the de facto desktop computer applications for the dental field.” (Page 2, lines 17-19).

“The healthcare desktop application is preferably a dental practice management software application.” (Page 6, lines 4-5).

“In a preferred embodiment of the invention, the healthcare desktop application is a dental practice management application. In the following description of the preferred embodiments the references to the healthcare desktop application may be in the context of a dental practice management software application. However, it is to be understood that any healthcare practice management application can be used and the references to dental specific items, e.g., procedures and terms would be modified or changed to correspond to specific items of the specific field of healthcare that relates to the healthcare practice management application.” (Page 6, lines 18-26).

“Figure 12 illustrates one way of utilizing the healthcare application interface add-in tool bar 902 for opening a procedure information page for editing
----- The selection of the “Open” command 1004 results in another pop-up window 1006 being displayed where the user can select the “ADA Procedure Presentation” menu option 1202 that displays to the user the procedure

information files available to the user editing, once the user is presented with a selection window or dialog box 1250 shown in Figure 12a to select a procedure information file for customization.”(Page 15, lines 12 – 23).

“to include the patient’s dental chart on a slide” (Page 16, line 1).

“For example, to include the patient’s dental chart on a slide” (Page 17, lines 18-19).

The above passages along with the rest of the application including the drawings fully support the set of claims on appeal directed to the dental field.

Moreover, seven of the fourteen originally filed Figures are directed to a dental application. These Figures must be taken along with the supporting text as the full disclosure of the original application. The Examiner has ignored this. For example, Figs. 3 and 4 only refer to dental examples in support of the text on Pages 8-10. These Figures support the claims on appeal. More specifically, Figure 2 illustrates a window used for the selection of treatment procedures for inclusion in a case presentation. The four procedures shown are all dental procedures, i. e., “Porcelain Crown Noble Metal [bridge]”, “Endosseous Implant”, “Teeth and Clasps Extra Per Unit”, and “Crown Buildup”. This supports the procedure of Claim 61 “providing the dental presentation master template with at least one specific dental procedure indicator”, (See also Spec. Pages 6 and 7). Figure 3 illustrates sample pages or slides that can be included in a master template. The heading on the slides is name – dental. The first slide is entitled “Blueprint For Outstanding Oral Health”. This figure supports the procedure of Claim 61 “providing at least one master template configured for display as a dental presentation on said computer display”. Figure 4 illustrates sample pages or slides that are included in procedure information files. The two slides are dental in nature and titled “Porcelain Crown” and “Root Canal”. This Figure supports the procedure in claim 61 – “incorporating specific dental information about the specific dental procedure from the recommended course of treatment for the dental patient into the template”.

Figure 9 illustrates a partial view of a presentation tool with an add-in toolbar. On the lower left side is the dental reference “Softdent Presentation Files”. This Figure supports Claim 64. Figure 10 illustrates an expanded view of

an add-in tool bar for opening a “Master” presentation template for customization. Pop-up window 1002 refers to a dental application – “Softdent Presentation Files” and pop-up window 1006 also refers to a dental application – “ADA Procedure Presentation”. Figures 12 and 12a also disclose dental matters that support the claims in the application.

It is submitted that the application as originally filed fully supports the claims on appeal.

Claims 61-63, 66-71, and 73 Are Nonobvious and Patentable Under 35 USC 103(a) Over Sachcheva (USPN 6,587,828) In View Of Clark et al. and Admitted Prior Art, Claims 64-65 are Nonobvious and Patentable Under 35 USC 103(a) Over Sachdeva, Clark, Admitted Prior art and Parker (Microsoft Office 4 for Windows for Dummies), and Claims 76-87, and 89-92 Are Nonobvious And Patentable Under 35 USC 103(a) over Sachdeva, In View of Parker and Admitted Prior Art.

The claims on appeal are clearly nonobvious and patentable over the cited references, taken either individually or in the combinations used in the claim rejections. Sachdeva, principally relied in the rejections, discloses a method and apparatus for generating a patient treatment plan that includes processing that begins by providing a list of health care services to a patient or healthcare provider. The user must input the kind of services to be provided. The processing continues by prompting for input from the user of digital information regarding the patient after a health care service has been selected. The processing continues by determining whether a sufficient amount of digital information has been received. If so, the processing continues by simulating treatment of a patient based on the digital information, a treatment objective and normalized patient data. The processing then continues by generating the patient treatment plan in accordance with the simulating of the treatment when the simulated treatment. The Sachdeva system does not disclose a master template, contrary to the assertion by the Examiner. Items 18 and 20 of Sachveda Fig.1 are merely displayed on the computer display and not referred to anywhere in the patent as constituting a master template. Moreover, the items listed under item 20 are not equivalent to the claimed features of the master template but rather are a litany of items relevant to the healthcare procedure, etc. The Sachdeva reference does not

disclose a presentation tool in the context of its meaning in the claims, but only displays certain windows – menu and healthcare data in windows on the display. The presentation manager is not loaded into the master template, as claimed, since neither exists in the Sachdeva processing software.

Whereas, in Sachdeva, data is constantly being entered by the user of the processing software, in the claimed invention a plurality of indicators and a one-click technique are used for data entry. The claimed invention does not use the simulating treatment technique required by Sachdeva. The Sachdeva patent does not use markers to facilitate data entry. The one-click feature with markers embedded in the software of the claimed invention reduces liability to the dentist and increases the quality of patient care. Clearly the claims on appeal are patentable over Sachdeva.

Combining Sachdeva with Clark, Parker, and the other references does not render unpatentable the claims on appeal. Thus, Clark does not teach the use of a master template as in the claimed invention to produce a dental application presentation. Clark does not disclose a one-click technique for data entry. Clark does not teach updating records in a desktop application. Clark does not teach the use of a scanned template for markers to insert specific dental information at the markers or updating records of the individual in the dental desktop application. Neither individually or combined are the appealed claims rendered obvious by Sachdeva and Clark.

Parker does not teach using a master template that scans for markers and then inserts dental information specific to the patient at the location of the markers as part of a presentation to be later presented to the patient. Parker does not disclose the updating of records of the individual in the dental desktop application to correspond to the dental procedures accepted by the individual. Combining Parker with Sachdeva and Clark does not fill in the gaps in these disclosures and the claims on appeal are clearly patentable over Parker alone or in combination with Clark and Sachdeva.

Even assuming that HTML and Power Point are admitted art, which is denied, they do not cure the deficiency in the other references in the context of the claimed invention. There is no disclosure in any of the other references of the desirability of using either HTML or Power Point and it is submitted that, absent some teaching in these reference of the desirability or necessity of incorporating them into their disclosures, they are not properly combined with any of the other references.

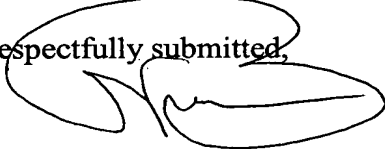
Summary

Clearly, Claims 61-71, 73, 74, 76-87, and 89-92 are fully supported by the application as originally filed and are novel, nonobvious and patentable over the cited art.

Conclusion

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of Claims 61-71, 73, 74, 76-87, and 89-92..

Respectfully submitted,



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Enclosures

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Appendix I - Claims on Appeal

1-60 (cancelled)

61. A method for generating and tracking presentations for a dental patient describing a recommended course of dental treatment comprising of at least one dental procedure, the method comprising the steps of:

providing and starting a presentation tool in a computer having a display;

providing at least one master template configured for display as a dental presentation on said computer display; wherein said master template: (a) includes general information to be shown in every presentation; (b) designates a common theme or look for the presentation; (c) presents common information in a consistent manner on every presentation; (d) controls the order of the information in the presentation; and (e) reduces the possibility of errors in the information presentation;

loading the dental presentation master template into the presentation tool;

providing the dental presentation master template with at least one specific dental procedure indicator for use as a point of incorporation for specific dental information on the recommended course of treatment;

inserting in each template at least one general information indicator for use as a point of incorporation for general information on the dental patient;

incorporating specific dental information about the specific dental procedure from the recommended course of treatment for the dental patient into the template, wherein incorporating specific dental information comprises the steps of

- i. scanning the template for a marker, wherein the marker identifies dental information specific to the dental patient and the marker identifies an insertion point in the template;
- ii. retrieving dental information specific to the dental patient identified by the marker from the dental desktop application;
- iii. inserting the retrieved dental information specific to the dental patient into the template at the insertion point identified by the marker; and
- iv. repeating the steps of scanning, retrieving and inserting for each marker in the template;

incorporating the general information on the dental patient into at least one template;

generating a dental presentation using at least one template with the incorporated specific dental information and the general information on the dental patient with one step, wherein the dental presentation is generated utilizing the computer;

storing the dental presentation in a dental desktop application on the computer;

presenting the dental presentation to the dental patient without presenting a graphic simulation of the treatment of the patient; and

updating records of the individual in the dental desktop application to correspond to the indicated at least one dental procedure accepted by the individual in the presentation tool.

62. The method of claim 61, further comprising the step of initiating with a single action the steps of selecting a template, incorporating specific dental information on the recommended course of treatment on dental procedures and general information on the dental patient, and storing the presentation in a single action.

63. The method of claim 61, further comprising the step of editing the dental presentation to add additional dental procedures.

64. The method of claim 63, further comprising the steps of:
adding a plug-in tool bar to be used with the templates,
wherein the plug-in tool bar enables information to be exchanged between the dental desktop application and the dental presentation; and
editing the dental presentation with the plug-in tool bar.

65. The method of claim 64, wherein said step of editing the dental presentation comprises at least one of the steps of:
adding other information to the dental presentation;
removing information from the dental presentation; and
changing information in the dental presentation.

66. The method of claim 61, further comprising the steps of:
generating a list of recommended dental procedures for the dental patient, wherein the recommended dental procedures are previously entered into the dental desktop application as being recommended for the dental patient; and
selecting at least one recommended dental procedure from the list of recommended dental procedures for inclusion in the recommended course of treatment.

67. The method of claim 66, further comprising the step of using the dental desktop application to select automatically all recommended dental procedures in the list of recommended dental procedures for inclusion in the recommended course of treatment.

68. The method of claim 67, further comprising the step of editing the list of recommended dental procedures to include the dental procedure for the dental patient.

69. The method of claim 61, wherein said step of forming the template includes automatically selecting the template by the dental desktop application.

70. The method of claim 61, further comprising the step of incorporating the dental procedure into the template includes for each dental procedure, the steps of:

retrieving a procedure information file for the dental procedure, wherein the procedure information file includes a plurality of details related to the dental procedure including a member of the group comprising: test data, time for the procedure, medications for the procedure, post procedure follow up and combinations thereof; and

inserting the procedure information file into the dental template.

71. The method of claim 70, further comprising the step of editing the procedure information file prior to inserting the procedure information file into the dental template.

72. (cancelled)

73. The method of claim 61, wherein the step of storing the dental presentation in the dental desktop application includes the step of integrating the dental presentation into dental desktop application records for the dental patient

74. The method of claim 73, further comprising the steps of:

indicating at least one dental procedure of the recommended course of treatment was accepted by the dental patient; and updating records of the dental desktop application records for the dental patient to correspond to the indicated accepted dental procedure.

75. (cancelled)

76. A system for generating and displaying a dental presentation describing a recommended course of treatment having at least one dental procedure for a dental patient, the system comprising:

at least one computer, wherein said at least one computer comprises at least one memory device, a dental desktop application stored in said at least one memory device, a display, and a presentation tool stored in said at least one memory device;

a one step selection, merger and storage application for selecting a master template for a dental presentation, wherein said master template: (a) includes general information to be shown in every presentation; (b) designates a common theme or look for the presentation; (c) presents common information in a consistent manner on every presentation; (d) controls the order of the information in the presentation; and (e) reduces the possibility of errors in the information presentation; wherein the dental presentation master template is loaded into the presentation tool; and

wherein said template includes at least one slide being configured for display, wherein at least one slide comprises information on at

least one dental procedure in a recommended course of treatment for a dental patient, wherein the patient specific dental information from said dental desktop application is incorporated into said plurality of slides as a dental presentation, and wherein said dental presentation is stored in said at least one memory device;

a merger application that is adapted to exchange of information between the dental desktop application and the template, wherein the merger application comprises:

- i. a scanner for scanning in information; and
- ii. at least one marker for identifying dental information specific to the dental patient and the marker identifying an insertion point into the dental presentation for the dental information specific to the patient; and wherein the merger application retrieves dental information specific to the patient identified by the marker from the dental desktop application; and the merger application inserts the retrieved dental information specific to the patient into the insertion point identified by said marker;

a presentation tool for presenting said dental presentation to said dental patient without presenting a graphic simulation of the treatment of the patient; and

a tracking tool, wherein when at least one dental procedure of said recommended course of treatment is accepted by a dental patient in the patient records in the dental desktop application correspond to the accepted dental procedure.

77. The system of claim 76, wherein the selection, merger, and storage application in a single action further incorporates general patient information into the dental presentation.

78. The system of claim 76, wherein the presentation tool further comprises:

- a program for creating a presentation;
- an editor for modifying a presentation; and
- a tool for displaying the presentation.

79. The system of claim 76, further comprising

- a plug-in tool bar for enabling an exchange of information between the dental desktop application and the dental presentation; and
- an interface for the editor for modifying, adding, or changing information in the dental presentation using the plug-in tool bar.

80. The system of claim 76, wherein said dental desktop application comprise an automatic selection system for the template.

81. The system of claim 76, further comprising:

- a list generation program for generating a list of recommended dental procedures for the dental patient from a list of recommended dental procedures having entered into said dental desktop application for the dental patient; and

selection criteria for selecting certain dental procedures from the list of recommended dental procedures for inclusion in said recommended course of treatment.

82. The system of claim 81, wherein the dental desktop application automatically selects all recommended dental procedures in said list of recommended dental procedures for inclusion in said recommended course of treatment.

83. The system of claim 76, further comprising an indicator configured to indicate a point of incorporation for at least one slide having specific dental information on at least one dental procedure included in a recommended course of treatment.

84. The system of claim 76, further comprising a plug-in toolbar, wherein said plug in toolbar facilitates an exchange of information between said dental desktop application and the dental templates.

85. The system of claim 76, further comprising a list of dental templates in said dental desktop application and a program for selecting the dental template from said displayed list.

86. The system of claim 76, wherein the information on at least one dental procedure comprises:

instructions for obtaining a dental procedure included in said recommended course of treatment; and

a program to retrieve a procedure information file for the dental procedure, wherein the procedure information file comprises information on said dental procedure and insert the procedure information file into the dental template.

87. The system of claim 76, further comprising:
an editor for editing information on the dental procedure in said procedure information file.

88. (cancelled)

89. The system of claim 76; wherein the dental presentation stored in the at least one memory device comprises an integrator for integrating said dental presentation into dental desktop application records for said dental patient.

90. The system of claim 89, wherein said dental presentation incorporates information from a dental database on at least one of a name and address of a dental practice, a list of services offered by said dental practice, a description of infection control procedures and general payment policies.

91. The system of claim 90, wherein:

said dental desktop application comprises a database, said database including clinical and financial information for said dental patient; and wherein said dental presentation incorporates information from the dental desktop application into the dental presentation; and said clinical and financial information for said patient includes at least one of a name, an address, a picture, a chart and an insurance carrier.

92. The system of claim 91, wherein said dental desktop application comprises a dental practice management application.

Appendix II - Evidence

none

Appendix III – Related Proceedings

none